

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

VICTORIA FLORES, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

GRUBHUB INC., a Delaware corporation,

Defendant.

Case No.

NOTICE OF REMOVAL

Defendant Grubhub Inc. (“Grubhub”), by its undersigned attorneys and pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, removes the action described below from the Circuit Court of Cook County, Illinois. In support of this Notice of Removal, Grubhub states as follows:

1. Grubhub is the only named defendant in a class action lawsuit that was filed on March 31, 2016, in the Circuit Court of Cook County, Illinois, styled *Victoria Flores v. Grubhub Inc.*, No. 16 CH 04576. A copy of the entire state court file, including Plaintiff’s Complaint, is attached hereto as **Exhibit A**.

2. On April 11, 2016, Plaintiff served Grubhub’s registered agent with the Complaint and Summons in this action. *See Exhibit B* (CT Corp Service of Process Transmittal).

3. On May 10, 2016, Grubhub timely filed this Notice of Removal within 30 days of being served with the Complaint and Summons. *See* 28 U.S.C. § 1446(b).

4. Grubhub removes this case on grounds of federal-question jurisdiction pursuant to 28 U.S.C. § 1331 and supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

5. Count I of Plaintiff’s Complaint alleges a violation of a federal statute, the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, which provides federal

question jurisdiction in this Court pursuant to 28 U.S.C. § 1331. *See Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 753 (2012) (“Nothing in the text, structure, purpose, or legislative history of the TCPA calls for displacement of the federal-question jurisdiction U.S. district courts ordinarily have under 28 U.S.C. § 1331.”); *Brill v. Countrywide Home Loans, Inc.*, 427 F.3d 446, 450–51 (7th Cir. 2005) (holding that defendant had removal rights under §§ 1331 and 1441 because a TCPA claim “arises under federal law”).

6. Count II of Plaintiff’s Complaint is a claim for violation of the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 Ill. Comp. Stat. 505/1 *et seq.*, which is based on the same facts alleged for the TCPA claim in Count I. Because this state law claim is so related to the TCPA claim that it forms part of the same case or controversy under Article III of the United States Constitution, this Court has supplemental jurisdiction over this claim pursuant to 28 U.S.C. § 1367(a).

7. Grubhub, in accordance with 28 U.S.C. § 1446(d), will promptly serve a copy of this Notice of Removal on counsel for Plaintiff and will file a copy of the Notice with the Clerk of the Circuit Court of Cook County, Illinois.

8. There are no other cases related to the instant action, and Grubhub has not attempted to remove this case previously.

WHEREFORE, Defendant, Grubhub Inc., respectfully removes the above-captioned action from the Circuit Court of Cook County, Illinois.

Date: May 10, 2016.

Respectfully submitted,

Grubhub Inc.,
Defendant

By: /s/ Henry Pietrkowski
One of Its Attorneys

Henry Pietrkowski
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CERTIFICATE OF SERVICE

I, Henry Pietrkowski, an attorney for Defendant, hereby certify that on May 10, 2016, a true and correct copy of the foregoing **Notice of Removal** was served upon Plaintiff's counsel via first class U.S. Mail, postage-prepaid, by causing it to be dropped in the mail slot at 10 S. Wacker Dr., Chicago, IL 60606 and addressed as follows:

Jay Edelson
Benjamin H. Richman
Courtney C. Booth
Edelson PC
350 North LaSalle Street, 13th Floor
Chicago, IL 60654

/s/ Henry Pietrkowski